



W.P.No.16436 of 2024
W.M.P.Nos.17988 & 17989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.16436 of 2024
W.M.P.Nos.17988 & 17989 of 2024

R.C.Ramaraj

...
Vs.

Petitioner

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Rural Development Department,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Coimbatore District.

3.The Assistant Director of Rural Development (Panchayat),
Coimbatore.

4.The Ombudsperson (MGNREGS),
MGNREGS – PMAY – G Scheme,
District Rural Development Camp,
Office of the District Collector,
Coimbatore - 641 018.

5.R.Ponnusamy,
The President,
Ramapattinam Village Panchayat,
Pollachi Taluk,
Coimbatore District.

...

Respondents



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PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records relating to the third respondent dated 30.04.2024 in Na.Ka.No.114/2024/A3 and quash the same and consequently direct the second respondent to take suitable action for removal of the fifth respondent from the post of President of Ramapattinam Village Panchayat under Section 205 of the Tamil Nadu Panchayat Act, 1994 and Rules made thereunder.

For Petitioner : Mr.K.Raja
For Respondent Nos.1 to 4 : Mr.V.Manoharan
Additional Government Pleader
For Respondent No.5 : No Appearance

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 30.04.2024 thereby exonerated the fifth respondent from the charges of disbursed a sum of Rs.1,56,750/- without construction of the check dam.

2. The petitioner is one of the resident of Ramapattinam Village Panchayat. The fifth respondent is the elected President of Ramapattinam



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Village Panchayat, Pollachi Taluk, Coimbatore District. The fifth respondent has misappropriated several lakhs of money while executing the Schemes under the Mahatma Gandhi National Rural Employment Guarantee Scheme and Pradhan Mantri Awas Yojana Scheme, without constructing the check dam at the Jalathu Sethu Thottam. Further, he has misappropriated to the tune of Rs.1,56,750/- as per the work order for CC check dam at Krishna Leelavathi Thottam, CC check dam near Rathnasamy Thottam, CC check dam near Ravi Thottam and CC check dam near Padmavathi Thottam of Ramapattinam Village Panchayat, Pollachi Taluk. Therefore, the petitioner submitted a detailed complaint to the second respondent for taking suitable action as against the fifth respondent.

3. In fact, the fourth respondent has passed an award dated 03.11.2023 to the tune of Rs.2,09,712/- payable by the fifth respondent and its Secretary of Ramapattinam Village Panchayat for misappropriation of the money under the aforesaid schemes and requested the second respondent to recover the amount from the fifth



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respondent. Further, by the communication dated 28.12.2023, the fourth respondent directed the Block Development Officer of the said Panchayat to conduct an enquiry on the complaint as against the fifth respondent. However, the said amount was paid by one Nataraj, who was the Contractor. Therefore, once again, the petitioner submitted representation to recover the said amount from the fifth respondent. Once again, the fourth respondent directed the second respondent to take appropriate action as against the fifth respondent to recover the said sum.

4. Accordingly, the enquiry officer was appointed to conduct enquiry for the misappropriation committed by the fifth respondent. The enquiry officer found that the fifth respondent had committed irregularities and misappropriated the Panchayat fund and submitted a report before the second respondent. On receipt of the same, the second respondent issued show cause notice to the fifth respondent. However, the third respondent mechanically dropped the action against the fifth respondent by its proceedings dated 30.04.2024.



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5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 4 and perused the materials available on records. Though notice was served on the fifth respondent and the counsel entered appearance, no one is present today, either by person or through counsel.

6. On perusal of the counter filed by the second respondent and also the submission made by the learned Additional Government pleader for the respondents 1 to 4 revealed that, after the award passed by the fourth respondent and as directed by the fourth respondent, the second respondent directed the Block Development Officer to conduct enquiry against the fifth respondent. After due enquiry found that the fifth respondent has committed the irregularities and misappropriated the Panchayat fund and submitted a report before the second respondent.

7. As directed by the fourth respondent, the second respondent directed the third respondent to take appropriate action as against the fifth respondent. On enquiry found that the work which was allegedly



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done by the fifth respondent is not coming under the fifth respondent and the work would be done only by the Public Works Department. Thereafter, the second respondent issued show cause notice to the fifth respondent and on receipt of the explanation from the fifth respondent, exonerated the fifth respondent from the charges.

8. The learned counsel for the petitioner submitted that the second respondent conducted enquiry by appointing the enquiry officer only in respect of one award passed by the fourth respondent. The fourth respondent passed totally 3 awards to recover various amounts from the fifth respondent for the misappropriation committed by him. On 12.12.2023, the fourth respondent passed an award to the tune of Rs.5,58,081/- to be recovered from the fifth respondent for the CC check dam near Nagaraj Thottam. No check dam was constructed and the fifth respondent misappropriated the said amount by way of disbursal of wages and purchase of materials.



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9. That apart, from the perusal of the explanation submitted by the fifth respondent also revealed that, without even knowing that the construction of the check dam is coming under the Public Works Department, the fifth respondent disbursed the salary to the labourers and also purchased materials and thereby misappropriated huge money of the Ramapattinam Village Panchayat. Therefore, the fourth respondent found *prima facie* case to initiate action as against the fifth respondent as per the 3 set of charges and awards. Even then, the second respondent exonerated the fifth respondent by considering the one set of charge alone.

10. In view of the above, this Court finds infirmity in the order passed by the third respondent and it cannot be sustained and is liable to be quashed. Accordingly, the impugned order passed by the third respondent dated 30.04.2024 is hereby quashed. The second respondent is directed to take appropriate action as against the fifth respondent under Section 205 of the Tamil Nadu Panchayat Act, 1994, on merits and in accordance with law, within a period of eight weeks from the date of



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receipt of a copy of this order.

11. With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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